

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

WILLIAM A. MINNICK,)	
by THOMAS ANTHONY DURKIN,)	
His Guardian ad Litem,)	
)	
Petitioner)	
)	CAUSE NO. 3:99-CV-157 RM
v.)	
)	
CECIL DAVIS,)	DEATH PENALTY CASE
)	
Respondent)	

OPINION AND ORDER

In response to this court's order directing the parties to show cause why this court continues to have jurisdiction, the respondent requests that the case be dismissed and the petitioner requests that it remain open until after he is found competent and resentenced by the state trial court. Neither have presented any basis for this court's continued jurisdiction. Based on the reasoning behind the disposition of the appeal from Ben-Yisrayl v. Davis, 245 F.Supp.2d 960 (N.D. Ind. 2002) (unpublished appellate decision reported at 114 Fed. Appx. 760), this court no longer has jurisdiction over this case because the conviction on which this habeas petition was directed has been vacated by the state trial court. See also Maharaj v. Sec'y for the Dep't of Corr., 304 F.3d 1345 (11th Cir. 2002) and Walker v. Crosby, 341 F.3d 1240, 1246 (11th Cir. 2003).

For the foregoing reasons, this case is **DISMISSED**.

SO ORDERED.

ENTERED: September 1, 2005

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court